

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL J. WILHARMS,

Plaintiff,

v.

Case No. 18-cv-1253-pp

NANCY A. BERRYHILL,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 2)**

On August 14, 2018, the plaintiff filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. The plaintiff also filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 2.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the filing fee, and if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

The court cannot conclude that the plaintiff can't pay the filing fee. It is true that the plaintiff says that he does not have a job, and that he has one legal dependent—a fifteen-year-old daughter. Dkt. No. 2 at 2. He does not own a residence. *Id.* at 3. He has a 2008 Chevrolet Express, which he values at

\$9,000, id.; he says that he is living out of this van, id. at 5. His monthly expenses come to \$680, but he claims no income. Id. at 4. The plaintiff indicates, however, that he has \$20,000 in cash, checking or savings, as well as \$47,000 in an IRA. Id. at 3. While the court understands that the plaintiff likely wishes to make his savings go as far as possible under the circumstances, someone with \$20,000 available to him can pay the \$350 filing fee and \$50 administrative fee.

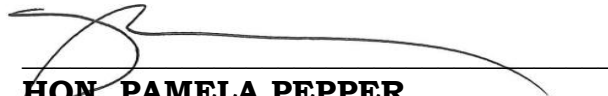
The court **DENIES** the plaintiff's motion for leave to proceed without paying the filing fee. Dkt. No. 2. The court **ORDERS** that the plaintiff shall pay the \$350 filing fee and the \$50 administrative fee by the end of the day on **Friday, September 21, 2018**. The plaintiff may make his payment in cash, by bringing it to the clerk's office, 517 East Wisconsin Avenue, Room 362, Milwaukee, between 8:30 a.m. and 4:30 p.m. He may mail in his payment by check, money order or cashier's check; he should make the check payable to Clerk, U.S. District Court, and bring it in, or mail it to Clerk's Office, United States District Court, 517 East Wisconsin Avenue, Room 362, Milwaukee, WI 53202. He may also pay by credit card over the phone, by calling 414-297-3417 and asking for the cashier.

If the court does not receive the full \$400 payment by the end of the day on Friday, September 21, 2018, the court may dismiss the plaintiff's case for failure to pay the filing fee. If the plaintiff needs additional time to pay the fee,

he should file a motion (*before* the end of the day on Friday, September 21, 2018), asking the court to give him additional time.

Dated in Milwaukee, Wisconsin this 22nd day of August, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge